Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Working paper submitted by Malaysia on behalf of the Group of Non-Aligned and Other States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. This Preparatory Committee for the 2005 Review Conference of Parties to the Treaty on the Non-proliferation of Nuclear Weapons (NPT) is meeting at a critical juncture to reflect on the progress made in the full implementation of the Treaty as well as the commitments and undertakings given at the 1995 Review and Extension Conference and the 2000 Review Conference. In accordance with the decisions of the 2000 Review Conference, this Preparatory Committee is mandated to make every effort to produce a consensus report containing recommendations and to finalize procedural arrangements to the 2005 Review Conference. Also as determined by the 2000 Review Conference, it is the task of this Preparatory Committee to make recommendations to the 2005 Review Conference on the issue of security assurances.

2. In these endeavours, the Movement will be guided by the decisions taken at the XIII Conference of Heads of State or Government of NAM that was held in Kuala Lumpur, Malaysia during February 2003 and the Meeting of the Ministers of Foreign Affairs of NAM at the 58th Session of the General Assembly of the United Nations in New York in September 2003. It is pertinent to note that the Summit, while addressing the wide-ranging ramifications of nuclear weapons and related issues, affirmed that multilateralism and multilaterally agreed solutions, in accordance with the UN Charter, provided the only sustainable method of dealing with the multiplicity of disarmament and international security issues.

3. The Movement reaffirms its long-standing and principled positions on nuclear disarmament and remains fully committed to their obligations and commitments under the Treaty and the agreements reached at both the 1995 and 2000 NPT Review Conferences. In this regard, the Movement wishes to recall its comprehensive working papers submitted during the 2000 Review Conference, the First and Second Sessions of the Preparatory Committee in 2002 and 2003 respectively as contained in documents NPT/CONF.2000/18, NPT/CONF.2005/PC.I/WP.2, NPT/CONF.2005/PC.I/WP.14 and NPT/CONF.2005/PCII/WP.19.

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4. The Non-Aligned States Parties to the NPT emphasize the importance of the full and non-selective implementation of the Treaty in nuclear disarmament, non-proliferation and the peaceful uses of nuclear energy. In this context, the Movement remains fully convinced that the NPT is a key instrument in the efforts to halt the vertical and horizontal proliferation of nuclear weapons and an essential foundation for the pursuit of nuclear disarmament. All of the States Parties to the NPT should work towards a fair balance between the mutual obligations and responsibilities under the Treaty with a view to achieving the total elimination of nuclear weapons. The Movement underscores that the indefinite extension of the NPT does not imply the indefinite possession by the nuclear-weapon-states of their nuclear weapons arsenals, and considers, in this regard, that any assumption of indefinite possession of nuclear weapons is incompatible with the integrity and sustainability of the nuclear non-proliferation regime both vertical and horizontal, and with the broader objective of maintaining international peace and security. The Movement reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons. The Movement reiterates its conviction that pending the total elimination of nuclear weapons efforts for the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon-states should be pursued as a matter of priority.

5. The Movement recalls that the NPT fosters the development of peaceful uses of nuclear energy by providing a framework of confidence and cooperation within which those uses can take place. The Movement reaffirms the inalienable right of States Parties to the NPT to engage in research, production and use of nuclear energy for peaceful purposes without discrimination and that free, unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes be fully ensured. Therefore, the Movement emphasizes that nothing in the Treaty shall be interpreted as affecting this right.

6. The Movement wishes to re-emphasise the urgency and importance of achieving the universality of the Treaty, particularly by the accession to the Treaty at the earliest possible date of those States possessing nuclear capabilities, and resolve to make determined efforts to achieve this goal.

7. The Non-Aligned States Parties to the NPT also recalls that the Final Document of the 2000 NPT Review Conference urged India and Pakistan to accede to the NPT as non-nuclear-weapon-states and to place all their nuclear facilities under comprehensive IAEA Safeguards.

8. The Movement further reaffirms its support for the establishment in the Middle East of a zone free of nuclear weapons and other weapons of mass destruction and the need for its speedy establishment in accordance with the relevant General Assembly resolutions adopted by consensus as well as Security Council resolution 487 (1981) and paragraph 14 of the Security Council resolution 687 (1991). The Movement calls upon all parties concerned to take urgent and practical steps toward the establishment of such a zone and, pending its establishment to call on Israel, the only country in the region that has not joined the NPT, nor declared its intention to do so, to renounce the possession of nuclear weapons, to accede to the NPT without delay, to place promptly all its nuclear facilities under IAEA Safeguards and to conduct

nuclear related activities in conformity with the non-proliferation regime. The Movement recalls that the 2000 Review Conference reaffirmed the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA Safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

9. The Movement welcomes the accession of Timor Leste to the Nuclear Non-Proliferation Treaty. The Movement notes the decision by the Democratic People's Republic of Korea to withdraw from the NPT and expresses the view that the parties directly concerned resolve, through dialogue and negotiations, all issues related to this withdrawal as an expression of their goodwill.

10. The Movement continues to consider the establishment of nuclear-weapons-free-zones (NWFZs) created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba as positive steps toward attaining the objective of global nuclear disarmament. The Movement welcomes the efforts aimed at establishing new NWFZs in all regions of the world and call for cooperation and broad consultations in order to achieve agreements freely arrived at between the States of the region concerned. The Movement reiterates that in the context of NWFZs, it is essential that nuclear-weapon-states should provide unconditional assurances against the use or threat of use of nuclear weapons to all States of the zone. The Movement urges States to conclude agreements with a view to establishing new NWFZs in regions where they do not exist in accordance with the provisions of the Final Document of the First Special Session of the General Assembly Devoted to Disarmament (SSOD I) and the principles and guidelines adopted by the United Nations Disarmament Commission at its 1999 substantive session. In this context, the Movement reiterates our support for Mongolia's nuclear-weapons-free status and considers that the institutionalization of that status would be an important measure towards strengthening the non-proliferation regime in that region.

11. With the ratification by Cuba of the Tlatelolco Treaty, all the Latin American and Caribbean States are now parties to the Treaty and this has brought the Treaty into full force in its area of application. The Movement emphasizes the need to strengthen the integrity of the statute of denuclearization provided for in the Treaty of Tlatelolco by a review of the declarations that were formulated by the nuclear-weapon-state parties to Protocols I and II for possible withdrawal or modification. The Movement welcomes the ongoing consultations between ASEAN and the nuclear-weapon-states on the Protocol of the Southeast Asian Nuclear-Weapon-Free-Zone (SEANWFZ) Treaty and urges the nuclear-weapon-states to become parties to the Protocol of the Treaty as soon as possible. The Movement stresses the importance of the signature and ratification of the treaties of Rarotonga and Pelindaba by all regional States, as well as the signature and ratification by the nuclear weapons States that have not yet done so of the relevant Protocols to those Treaties. The Movement also welcomes the decision by all five Central Asian States to sign the Central Asian Nuclear-Weapon-Free-Zone Treaty as soon as possible.

12. The Movement has also expressed its support for the initiative of convening an international conference of States parties, ratifiers and signatories to the Treaties of Tlatelolco,

Rarotonga, Bangkok and Pelindaba in order to support the common objectives established in these treaties and to discuss and implement further ways and means of cooperation among themselves, their Treaty agencies and other interested States as soon as possible.

13. The Movement reiterates its long-standing and principled position for the total elimination of all nuclear testing. Reiterating that nuclear tests of any kind, in addition to undermining nuclear disarmament and non-proliferation in all its aspects, are in themselves a threat to international peace and security. In this regard, the Movement wishes to stress the significance of achieving universal adherence to the Comprehensive Test Ban Treaty (CTBT), including by all the nuclear-weapon-states, which inter alia, should contribute to the process of nuclear disarmament. The Movement emphasizes that the development of new types of nuclear weapons is contrary to the guarantees given by the nuclear-weapon-states at the time of the conclusion of the CTBT, namely, that the Treaty would prevent the improvement of existing nuclear weapons and the development of new types of nuclear weapons. The Movement calls upon all states, pending the entry into effect of the treaty, to refrain from any actions contrary to the objectives and purpose of this international instrument.

14. The Movement reaffirms the importance of achieving the universal application of IAEA's Safeguards system and urges all states which have yet to bring into force comprehensive safeguards agreements to do so as soon as possible. This has been considered by the 2000 Review Conference, as one main objective, to consolidate and enhance the verification system for the non-proliferation regime. The Movement stresses the importance of IAEA's Safeguards system, including comprehensive safeguards agreements and also the Model Additional Protocols. In this regard, the Movement welcomes the ratification of the State of Kuwait to the Additional Protocols and the signing of the Protocols by Cuba, Iran, Libya, Madagascar, Mauritius, Niger, Panama and Togo. However, the Movement does not desire to see international efforts towards achieving universality of comprehensive safeguards to wither away in favour of pursuing additional measures and restrictions on non-nuclear-weapon-states, which are already committed to non-proliferation norms, and which have renounced the nuclear-weapons option. The Movement also expresses its strong rejection of attempts by any member state to use the IAEA's technical cooperation program as a tool for political purposes in violation of its Statute.

15. The Movement attaches importance to resolution 58/60 of the United Nations General Assembly on the Prohibition of the Dumping of Radioactive Wastes and calls upon States to take appropriate measures to prevent any dumping of nuclear or radioactive wastes that would infringe upon the sovereignty of States. The Movement recalls the resolution adopted by the Council of Ministers of the Organization of African Unity in 1991 (CM/Res. 1356 {LIV}) on the Bamako Convention on the Ban on the Import of Hazardous Wastes into Africa and on the Control of Their Transboundary Movement within Africa. The Movement calls for effective implementation of the Code of Practice on the International Transboundary Movement of Radioactive Waste of the IAEA as a means of enhancing the protection of all States from the dumping of radioactive wastes on their territories.

16. The Movement reiterates its call for the full implementation of the unequivocal undertaking given by the nuclear-weapon-states at the 2000 Review Conference to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament. The Movement expects that this undertaking be demonstrated without delay through an accelerated process of negotiations and through the full implementation of the 13 practical steps to advance systematically and progressively toward a nuclear-weapon-free world as agreed to in 2000. Despite the expectation by the international community that the successful outcome of the 2000 Review Conference would lead to the fulfillment of the unequivocal undertaking given by the nuclear-weapon-states as well as the full implementation of the 13 practical steps, very little progress has been made.

17. In view of the above, the Movement would like to address some developments since the Second Session of the Preparatory Committee:

- The Movement remains concerned at the lack of progress towards achieving the total elimination of nuclear weapons. Despite some reports of bilateral and unilateral reductions, thousands of these weapons continue to be deployed and their numbers are unconfirmed, given the lack of transparency in various nuclear weapons programs;

- While noting the signing of the Treaty on Strategic Offensive Reduction between the Russian Federation and the United States on 24 May 2002, the Movement stresses that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons. There is to date no further evidence of agreed measures to reduce the operational status of these weapons. The Movement also expresses its concerns that the non-entry into force of START II is a setback to the 13 practical steps in the field of nuclear disarmament adopted at the 2000 Review Conference.

- Strategic defense doctrines continue to set out rationales for the use of such weapons, as demonstrated by the recent policy review by one of the nuclear-weapon-states to consider expanding the circumstances under which these weapons could be used and the countries against whom they could be used;

- The possible development of new types of nuclear weapons and new targeting options to serve aggressive counter-proliferation purposes further undermine disarmament commitments;

- The abrogation of the Treaty on the Limitation of Anti-Ballistic Missiles (ABM) has brought new challenges to strategic stability and the prevention of an arms race in outer space. The Movement remains concerned that the implementation of a national missile defence system could trigger an arms race(s), the further development of advanced missile systems and an increase in the number of nuclear weapons. In accordance with United Nations General Assembly resolution 58/36, the Movement emphasizes the urgent need for the commencement of substantive work, in the Conference on Disarmament, on the prevention of an arms race in outer space;

- The Movement expresses its satisfaction that 171 States have signed the CTBT and 112 States have ratified it thus far. The Movement reaffirms that if the objectives of the Treaty were to be fully realized, the continued commitment of all States signatories, especially the nuclear-weapon-states, to nuclear disarmament would be essential. In this regard, the Movement welcomes the recent ratification of CTBT by Afghanistan, Algeria, Belize, Eritrea, Honduras, Kuwait and Oman. However, the Movement remains concerned with the lack of progress in the early entry into force of the CTBT.

- The continued inflexible postures of some nuclear-weapon-states that have prevented the Conference on Disarmament, the sole multilateral negotiating body on disarmament, from establishing an Ad Hoc Committee on nuclear disarmament. The Movement continues to believe in the need for negotiations on a phased program for the complete elimination of nuclear weapons with a specified framework of time, including a Nuclear Weapons Convention. In this regard, the Movement reiterates its call to establish, as soon as possible, and as the highest priority, an Ad Hoc Committee on Nuclear Disarmament. The Movement underlines once again the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. The Movement regrets that no progress has been made in the fulfilment of this obligation despite the lapse of almost seven years.

- The continued inability of the Conference on Disarmament to resume its negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile materials for nuclear weapons and other explosive devices, taking into account both nuclear disarmament and non-proliferation objectives;

- The lack of progress in diminishing the role of nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination; and

- The inability of the United Nations Disarmament Commission to reach a consensus on substantive agenda items, taking into account decision 52/492, in its 2004 session as mandated by United Nations General Assembly resolution 58/67.

18. These issues of concern to the Movement reflect a deepening crisis in multilateral disarmament diplomacy. The Movement is also deeply concerned about the progressive erosion of multilateralism and emphasizes the importance of collective international efforts to enhance and maintain international peace and security. In this context, the Movement reiterates its support to United Nations General Assembly resolution 58/44 on promotion of multilateralism in the area of disarmament and non-proliferation. Strengthening the role of the United Nations in resolving these issues is a collective responsibility. It offers the basis for developing and giving substance to a comprehensive disarmament process at all levels. The Movement recognizes the important role that the United Nations disarmament machinery plays in the area

of nuclear disarmament and non-proliferation. The Movement reiterates its commitment to adopting measures to strengthen that role.

19. The Movement reiterates the importance of addressing the challenges and problems by strictly abiding to the Charter of the United Nations and the principles of international law and, in this context, the Movement emphasizes that proliferation concerns are best addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory agreements.

20. The Movement reiterates its support for the convening of the Fourth United Nations Special Session Devoted to Disarmament (SSOD-IV) with the participation of all member states on the basis of the need to review and assess the implementation of the Final Document adopted by SSOD-I, while reaffirming its principles and priorities. The Movement welcomes the decision by the General Assembly to establish an open-ended working group to consider the objectives and agenda including the possibility of establishing the preparatory committee for the Special Session. The Movement contributed actively in the open-ended working group and despite the lack of consensus in the working group, the Movement underlines the need for that issue to be referred back to the General Assembly for its consideration. In this regard, the Movement emphasizes the need to reconvene the open-ended working group on SSOD-IV.

21. The Movement is also concerned that no progress has been achieved towards the realization of the Millennium Declaration in which Heads of State and Government resolved to strive for the elimination of weapons of mass destruction, in particular, nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways and means of eliminating nuclear dangers. The Movement again calls for its convening, at the earliest possible date, with the objective of arriving at an agreement on a phased program for the complete elimination of nuclear weapons, with a specified framework of time to eliminate all nuclear weapons, to prohibit their development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and to provide for their destruction.

22. The Non-Aligned States Parties to the NPT believe that the First and Second Sessions of the Preparatory Committee have dealt with most procedural issues necessary for the 2005 Review Conference. Yet, the Movement emphasizes the need for a substantive interaction beyond formal exchange of views between the States Parties at these meetings. The issues raised at the Preparatory Meetings need to be addressed so as to continue strengthening the implementation of the Treaty and the undertakings agreed upon at the 2000 NPT Review Conference, and also to lay the necessary foundation for the development of recommendations at the Third Session of the Preparatory Committee for the 2005 Review Conference. It should be recalled that the Final Document of the 2000 Review Conference states clearly that "each session of the Preparatory Committee should consider specific matters of substance relating to the implementation of the Treaty and the Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcomes of subsequent Review Conferences".

23. To this end, in the Movement's view, this Session should also substantially focus on nuclear disarmament so as to ensure that there is a proper accounting in the reports by states of their progress in achieving nuclear disarmament. In this regard, the Movement wishes to recall that the Final Document of the 2000 Review Conference called for regular reports within the framework of the NPT strengthened review process by all States Parties on the implementation of Article VI and paragraph 4 C of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament". It is the Movement's expectation that States Parties to the Treaty, in particular, nuclear-weapon-states, should submit reports to each Session of the Preparatory Committee, including this Session. Furthermore, the reports on Article VI should cover issues and principles addressed by the 13 practical steps agreed in the 2000 Review Conference and include specific and complete information on each of these steps. These reports should also address, inter alia, current policies and intentions as well as developments in these areas.

24. The Movement believes that the Preparatory Committee sessions should also focus substantially on the Middle East and further recalls that the Final Document of the 2000 Review Conference calls on all States Parties to the Treaty, particularly the nuclear-weapon-states, the states of the Middle East and other interested states to report through the United Nations Secretariat to the President of the 2005 Review Conference and to the Chairperson of the Preparatory Committee meetings to be held in advance of the Conference, on the steps taken to promote the achievement of a NWFZ and the realization of the goals and objectives of the 1995 resolution on the Middle East. The Movement expects that all States Parties to the NPT, in particular, the nuclear-weapon-states, should submit reports in this regard as agreed in the 2000 Final Document.

25. The Non-Aligned States Parties to the NPT also believes that the Third Session of the Preparatory Committee should also substantially focus on security assurances. The 2000 Review Conference "agreed that legally binding security assurances by the five nuclear-weapon-states to the non-nuclear-weapon-states parties strengthen the nuclear non-proliferation regime" and "calls on the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue". In view of the Decision at the 2000 Review Conference that this Preparatory Committee is to make recommendations to the 2005 Review Conference on the issue of security assurances and in view of the NAM Heads of State or Government's principled position on this issue, the Movement calls for specific time to be allocated in the Programme of Work at this Session of the Preparatory Committee for the consideration of security assurances and for the establishment of a subsidiary body at the 2005 Review Conference for further work to be undertaken.

26. The Non-Aligned States Parties to the NPT further recall that specific time was made available at the 2000 Review Conference and during its preparatory process for the discussion on, and consideration of, proposals on the provisions in Article VI and in paragraphs 3 and 4 C of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" dealing with nuclear disarmament, as well as on the resolution on the Middle East adopted at the 1995 Review and Extension Conference. In this context, the Movement

reaffirm the importance of establishing at the 2005 Review Conference a subsidiary body to Main Committee I to deliberate on practical steps for systematic and progressive efforts to eliminate nuclear weapons, as well as a subsidiary body to Main Committee II to consider and recommend proposals on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the NPT. In this regard, the Movement furthermore underlines and emphasizes the need for Preparatory Committee meetings, in particular the Third Session of the Preparatory Committee, to include in its Programme of Work, allocation of specific time for deliberations on nuclear disarmament, implementation of the 1995 resolution on the Middle East and security assurances.